

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OSSIE LEE SLAUGHTER,

Plaintiff,

v.

REGIONAL JUSTICE CENTER , *et al.*,

Defendants.

CASE NO. C05-1692-JCC-JPD

ORDER STRIKING PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT

This is a civil rights action brought under 42 U.S.C. § 1983. On June 5, 2006, plaintiff filed a motion for default judgment. Plaintiff argues in his motion that he is entitled to a default judgment because defendants failed to file a timely answer to plaintiff's amended complaint, and also failed to timely respond to this Court's Order of March 15, 2006, directing that a response to the amended complaint be filed within 21 days. Plaintiff also appears to be seeking some form of injunctive relief by way of the instant motion. While plaintiff is correct that defendants have largely disregarded this Court's directives up to this point, there are procedural issues which preclude the Court from considering plaintiff's motion at the present time.

An examination of the record reveals that plaintiff failed to serve his motion for default judgment on counsel for defendants. Rule 5(a) of the Federal Rules of Civil Procedure, and Local

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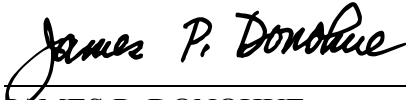
1 Rule CR 7(b)(1), require a movant to serve copies of his motion papers on the opposing party. In
2 addition, Rule 55(b)(2) of the Federal Rules of Civil Procedure requires that where the party against
3 whom default is sought has appeared in the action, the party must be served with written notice of the
4 application for judgment. While the Court is responsible for serving the original complaint on
5 defendants in an action where the plaintiff has been granted leave to proceed *in forma pauperis*, the
6 plaintiff is responsible for serving all other documents which are filed with the Court. The Court will
7 not consider any documents that are not accompanied by proof that the documents have been properly
8 served.

9 Accordingly, the Court does hereby ORDER as follows:

10 (1) Plaintiff's motion for default judgment (Dkt. No. 24) is STRICKEN from the Court's
11 calendar. Plaintiff may re-file his motion if he so desires. Plaintiff is advised that, should he decide to
12 re-file his motion, he must ensure that the motion contains a proper noting date.

13 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants,
14 and to the Honorable John C. Coughenour.

15 DATED this 20th day of June, 2006.

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17 JAMES P. DONOHUE
18 United States Magistrate Judge
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